

AMENDED IN SENATE JUNE 7, 2011  
AMENDED IN ASSEMBLY APRIL 25, 2011  
AMENDED IN ASSEMBLY MARCH 24, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 475**

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**Introduced by Assembly Member Butler**  
***(Coauthor: Assembly Member Achadjian)***

February 15, 2011

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An act to amend Sections 22511 and 22511.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 475, as amended, Butler. Vehicles: offstreet parking: electric vehicles.

(1) Existing law authorizes a local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility, to designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person for the exclusive purpose of fueling and parking a vehicle that displays a valid zero emission vehicle (ZEV) decal identification posted on the driver's side rear window or bumper of the vehicle or, if the vehicle does not have a rear window or bumper, on the driver's side of the windshield, issued by the Department of Motor Vehicles pursuant to these provisions. Existing law, for purposes of those provisions, defines a "zero emission vehicle" to mean any car, truck, or other vehicle that produces no tailpipe or evaporative emissions.

This bill would instead make those provisions applicable to an electric vehicle, and would define "electric vehicle" to mean any car, truck, or

other vehicle that does not produce tailpipe or evaporative emissions or is a plug-in hybrid electric vehicle (PHEV), as that term is used by the State Air Resources Board. The bill would also authorize the removal of these vehicles from an offstreet parking facility if they are not ~~plugged in~~ *connected for fueling electric charging purposes. The bill would delete the requirement for the display of decal identification from this provision.*

Existing law further prohibits a person from parking or leaving standing a vehicle in a stall or space so designated for a zero emission vehicle unless a valid zero emission vehicle decal identification is displayed on that vehicle. A violation of that law is a crime.

This bill would instead make that prohibition applicable to a vehicle in a stall or space designated pursuant to the above provisions unless ~~a valid (EV) decal identification is displayed on that vehicle~~ *the vehicle is not connected for electric charging purposes.* The bill would also prohibit a person from parking or leaving standing a specified vehicle unless the vehicle is ~~engaged in the process of charging~~ *connected for electric charging purposes. The bill would delete the requirement for the display of decal identification from this provision.* By expanding the scope of a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 22511 of the Vehicle Code is amended
- 2 to read:
- 3 22511. (a) A local authority, by ordinance or resolution, and
- 4 a person in lawful possession of an offstreet parking facility may
- 5 designate stalls or spaces in an offstreet parking facility owned or
- 6 operated by that local authority or person for the exclusive purpose
- 7 of ~~fueling~~ *charging* and parking a vehicle that ~~displays a valid~~
- 8 ~~electric vehicle (EV) decal identification posted on the driver's~~
- 9 ~~side rear window or bumper of the vehicle or, notwithstanding any~~

1 other law, if the vehicle does not have a rear window or bumper,  
2 on the driver's side of the windshield, issued by the Department  
3 of Motor Vehicles pursuant to this section, engaged in the process  
4 of charging. The designation shall be made by posting a sign in  
5 compliance with subdivision (d) or (e). *is connected for electric*  
6 *charging purposes.*

7 (b) If posted in accordance with subdivision (d) or (e), the owner  
8 or person in lawful possession of a privately owned or operated  
9 offstreet parking facility, after notifying the police or sheriff's  
10 department, may cause the removal of a vehicle from a stall or  
11 space designated pursuant to subdivision (a) in the facility to the  
12 nearest public garage if ~~a valid EV decal identification issued~~  
13 ~~pursuant to this section is not displayed on the vehicle and the~~  
14 ~~vehicle is not engaged in the process of charging.~~ *the vehicle is*  
15 *not connected for electric charging purposes.*

16 (c) If posted in accordance with subdivision (d), the local  
17 authority owning or operating an offstreet parking facility, after  
18 notifying the police or sheriff's department, may cause the removal  
19 of a vehicle from a stall or space designated pursuant to subdivision  
20 (a) in the facility to the nearest garage, as defined in Section 340,  
21 that is owned, leased, or approved for use by a public agency if ~~a~~  
22 ~~valid EV decal identification issued pursuant to this section is not~~  
23 ~~displayed on the vehicle and the vehicle is not currently engaged~~  
24 ~~in the process of charging.~~ *the vehicle is not currently connected*  
25 *for electric charging purposes.*

26 (d) The posting required for an offstreet parking facility owned  
27 or operated either privately or by a local authority shall consist of  
28 a sign not less than 17 by 22 inches in size with lettering not less  
29 than one inch in height that clearly and conspicuously states the  
30 following: "Unauthorized vehicles ~~not displaying valid electric~~  
31 ~~vehicle decal identifications and that are not engaged in the process~~  
32 ~~of charging~~ *connected for electric charging purposes* will be towed  
33 away at owner's expense. Towed vehicles may be reclaimed at

34 \_\_\_\_\_ or by telephoning

35 (Address)

36 \_\_\_\_\_."

37 (Telephone number of local law enforcement agency)

38  
39  
40 The sign shall be posted in either of the following locations:

1 (1) Immediately adjacent to, and visible from, the stall or space.

2 (2) In a conspicuous place at each entrance to the offstreet  
3 parking facility.

4 (e) If the parking facility is privately owned and public parking  
5 is prohibited by the posting of a sign meeting the requirements of  
6 paragraph (1) of subdivision (a) of Section 22658, the requirements  
7 of subdivision (b) may be met by the posting of a sign immediately  
8 adjacent to, and visible from, each stall or space indicating that a  
9 vehicle not meeting the requirements of subdivision (a) will be  
10 removed at the owner's expense and containing the telephone  
11 number of the local traffic law enforcement agency.

12 ~~(f) (1) For purposes of implementing this section, the~~  
13 ~~Department of Motor Vehicles shall make available for issuance,~~  
14 ~~for a fee determined by the Department of Motor Vehicles to be~~  
15 ~~sufficient to reimburse it for actual costs incurred pursuant to this~~  
16 ~~section, distinctive decals for electric vehicles.~~

17 ~~(2) The department shall design the decal, which shall be two~~  
18 ~~inches by two inches, and be placed on the driver's side rear~~  
19 ~~window or bumper of the vehicle, or, notwithstanding any other~~  
20 ~~law, if the vehicle does not have a rear window or bumper, on the~~  
21 ~~driver's side of the windshield. Each decal shall display a unique~~  
22 ~~number. The decal may be provided to car dealers who sell electric~~  
23 ~~vehicles for distribution to EV purchasers.~~

24 ~~(g) For purposes of this section, "electric vehicle" means any~~  
25 ~~car, truck, or other vehicle that does not produce tailpipe or~~  
26 ~~evaporative emissions or is a plug-in hybrid electric vehicle~~  
27 ~~(PHEV), as that term is used by the State Air Resources Board.~~

28 ~~(h) For purposes of this section, an "EV decal" means a decal~~  
29 ~~produced either pursuant to the provisions of this section, or~~  
30 ~~pursuant to this section as it read prior to January 1, 2012.~~

31 ~~(i)~~

32 ~~(f) This section does not interfere with existing law governing~~  
33 ~~the ability of local authorities to adopt ordinances related to parking~~  
34 ~~programs within their jurisdiction, such as programs that provide~~  
35 ~~free parking in metered areas or municipal garages for electric~~  
36 ~~vehicles.~~

37 SEC. 2. Section 22511.1 of the Vehicle Code is amended to  
38 read:

39 22511.1. (a) A person shall not park or leave standing a vehicle  
40 in a stall or space designated pursuant to Section 22511 unless a

1 ~~valid electric vehicle (EV) decal identification issued pursuant to~~  
2 ~~Section 22511 is displayed on that vehicle and the vehicle is~~  
3 ~~engaged in the process of charging; the vehicle is connected for~~  
4 ~~electric charging purposes.~~

5 (b) A person shall not obstruct, block, or otherwise bar access  
6 to parking stalls or spaces described in subdivision (a) except as  
7 provided in subdivision (a).

8 ~~(c) A person shall not display a decal issued pursuant to Section~~  
9 ~~22511 on a vehicle that does not use electricity as the motive~~  
10 ~~power.~~

11 SEC. 3. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.